

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST
TRUSTEE SERVICES, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. 2:10-cv-01952-RSL

MOTION TO SUPPLEMENT RECORD IN
SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:
December 14, 2012

MOTION

Defendants have consistently maintained that Deutsche Bank National Trust Company ("DBNTC") held the original promissory note (the "Note") in this case on behalf of OneWest Bank, FSB ("OneWest") by May 12, 2009. In pre-trial briefing, however, plaintiff speculated that DBNTC did not actually possess the Note, though he has never produced any evidence in support of that assertion. In preparing to respond to plaintiff's arguments in pre-trial briefing, defendants obtained a declaration from DBNTC to quell plaintiff's unfounded speculations about OneWest's possession of the Note through DBNTC. With the trial now set over but the Motions for Summary Judgment pending, defendants respectfully submit the declaration, filed

1 herewith, for the Court's consideration in evaluating the pending Motions. That declaration
2 and the exhibits attached thereto decisively reconfirm that DBNTC possessed the Note as
3 custodian on behalf of OneWest as of May 12, 2009, such that OneWest was the holder of the
4 Note at least by that date.¹

5 Dated: November 29, 2012.

6 ROUTH CRABTREE OLSEN, P.S.

7 /s/ Heidi E. Buck Morrison

8 Heidi E. Buck Morrison, WSBA # 41769
9 Attorneys for Defendants OneWest Bank, F.S.B.,
10 Mortgage Electronic Registration Systems, Inc.,
and Northwest Trustee Services, Inc.

11 LARKINS VACURA LLP

12 /s/ Julie R. Vacura

13 Julie R. Vacura, WSBA # 34588
14 Attorneys for Defendant OneWest Bank, F.S.B.
and Mortgage Electronic Registration Systems,
15 Inc.

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26 ¹ The two exhibits to the DBNTC declaration were both previously submitted in this case by plaintiff.